

FILED
NOV 16 2007

07 NOV 16 AM 11:52

SACRAMENTO COURTS
DEPT. #53

1 PRESTON DuFAUCHARD
California Corporations Commissioner
2 WAYNE STRUMPFER
Deputy Commissioner
3 ALAN S. WEINGER
Lead Corporations Counsel
4 MARY ANN CLARK (SBN 230943)
Senior Corporations Counsel
5 CALIFORNIA DEPARTMENT OF CORPORATIONS
1515 K Street, Suite 200
6 Sacramento, California 94814
Telephone: (916) 322-6067

7 Attorneys for the People of the State of California
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SACRAMENTO

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA, by and through the
13 CALIFORNIA CORPORATIONS
COMMISSIONER,

14 Plaintiff,

15 vs.

16 FILMMATES ENTERTAINMENT, INC., a
California corporation; FILMMATES
17 CORPORATION, a California corporation;
FILMMATES PARTNERS, LLC, a California
18 limited liability company, SWIM COOL
SYSTEMS, a California corporation, SWIM
19 COOL SYSTEMS, LLC, a California limited
liability company, JAY MALLA
20 MALDONADO, as an individual; BILL
NANCE, as an individual; ALAN F. GODA, as
21 an individual, and Does 1 through 10, inclusive,

22 Defendants.
23

Case No.: 07AS04961

STIPULATION TO ENTRY OF AN ORDER
ISSUING A PRELIMINARY INJUNCTION;
AND ORDER

DATE: November 16, 2007
TIME: 10 a.m.
DEPT: 53
TRIAL DATE: None set

24 The Defendants, SWIM COOL SYSTEMS, a California corporation, SWIM COOL SYSTEMS,
25 LLC, a California limited liability company, and ALAN F. GODA, as an individual hereby
26 stipulate as follows:

- 27 1. Defendants stipulate to entry of an Order issuing a Preliminary Injunction
28

State of California - Department of Corporations

1 enjoining, SWIM COOL SYSTEMS, a California corporation, SWIM COOL SYSTEMS, LLC, a
2 California limited liability company, and ALAN F. GODA, as an individual; and their officers,
3 directors, successors in interest, agents, employees, attorneys in fact, and all persons acting in
4 concert or participating with them, or any of them, from directly or indirectly:

5 a. Violating California Corporations Code section 25110, by offering to sell,
6 selling, arranging for the sale of, issuing, engaging in the business of selling, negotiating for the
7 sale of any security of any kind, unless such security or transaction is qualified;

8 b. Violating California Corporations Code section 25401, by offering to sell or
9 selling any security of any kind, including but not limited to, the securities described in the
10 Complaint, by means of any written or oral communication which includes any untrue statement
11 of material fact or omits or fails to state any material fact necessary in order to make the
12 statements made, in the light of the circumstances under which they are made, not misleading;

13 c. Violating the Desist and Refrain and Consent Order issued by the California
14 Corporations Commissioner on October 25, 2005, by offering and selling unqualified, non-exempt
15 securities in violation of California Corporations Code section 25110;

16 d. Removing, destroying, mutilating, concealing, altering, transferring, or
17 otherwise disposing of, in any manner, any books, records, computer programs, computer files,
18 computer printouts, correspondence, brochures, manuals, or any other "writing" or "document" of
19 any kind as defined under California Evidence Code section 250, relating to the transactions and
20 course of conduct as alleged in the complaint of this action, unless authorized by this Court; and

21 2. In light of this Stipulation, Defendants waive their right to an Order to Show Cause
22 hearing as provided for in Code of Civil Procedure section 527(d)(1).

23 Dated: 11/12/07

24 SWIM COOL SYSTEMS, a California corporation,
25 SWIM COOL SYSTEMS, LLC, a California limited liability
26 company, and ALAN F. GODA, as an individual

27 By:

28 ALAN F. GODA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: 11-15-07

By: MARY ANN CLARK
Attorney for Plaintiff

IT IS SO ORDERED:

Dated: NOV 16 2007

JUDGE OF THE SUPERIOR COURT
LOREN E. McMASTER